IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6677 OF 2004

The Goregaon Co-operative
Urban Bank ... Petitioner

versus

Sachin Kamalakar Randive
and others ... Respondents

...

Mr. P.M. Gaonkar, for the Petitioner.

...

CORAM : A.M.KHANWILKAR,J.

17th August 2004

P.C.:

. The only grievance in this petition is that the statement made on behalf of Respondents Nos. 1 and 2, applicants before the revisional authority, was incorrect, inasmuch as the applicants before the revisional authority have not complied with the requirement of pre-deposit of 50 per cent. of the recoverable dues in terms of section 154(2A) of the Maharashtra Co-operative Societies Act. The appropriate

course, to my mind, is to relegate the parties before the revisional authority. The Bank may make a formal application giving the relevant figures to establish the position that the revision applicants have not deposited the requisite 50 per cent. amount of the recoverable dues as required under section 154(2A) of the Act. If such application is filed, the revisional authority shall pass necessary orders thereon within two weeks from the date of presentation of the application. If the revisional authority takes a view that the requisite amount has not been deposited, obviously, in law, the revisional authority cannot entertain the revision application. But if the finding by the revisional authority is in favour of the applicants, in that event, the revisional authority may proceed to pass appropriate orders as may be warranted in the fact situation of the present case. Ordered accordingly. Petition disposed of

(A.M.KHANWILKAR,J.)